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| APPLICATION NO.   | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|---------------------|------------------|
| 10/694,278  | 10/27/2003  | Mark Weissenborn     | SHA01 P-345A        | 2791             |
| 277   | 7590        | 10/29/2004           | EXAMINER            |                  |
| PRICE HENEVELD COOPER DEWITT & LITTON, LLP<br>695 KENMOOR, S.E.<br>P O BOX 2567<br>GRAND RAPIDS, MI 49501 |             |                      | GUTMAN, HILARY L    |                  |
|   |             |                      | ART UNIT            | PAPER NUMBER     |
|   |             |                      | 3612                |                  |

DATE MAILED: 10/29/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/694,278

Applicant(s)

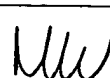
WEISSENBORN ET AL.

Examiner

Hilary Gutman

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 12 October 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) 12-16 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-5 is/are allowed.
- 6) ☒ Claim(s) 6 and 8-11 is/are rejected.
- 7) ☒ Claim(s) 7 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>10/27/03</u> . | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Election/Restrictions***

1. Claims 12-16 are hereby withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected invention, there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement in the reply filed on 10/12/04.
2. Applicant's election with traverse of invention I and species G in the reply filed on 10/12/04 is acknowledged. The traversal is on the ground(s) that the examiner would not be burdened by the examination of the additional claims. This is not found persuasive because these claims are directed to a different invention (namely a method), are classified in a different class and subclass (and have acquired a separate status in the art), and would require a different search.

The requirement is still deemed proper and is therefore made FINAL.

### ***Specification***

3. The disclosure is objected to because of the following informalities: at [0001], line 3, after "No." the reference number "6,672,635" should be inserted.

Appropriate correction is required.

### ***Claim Objections***

4. Claims 1 and 2 are objected to because of the following informalities:

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In claim 1, on line 6, "the straps" should apparently be "the strap sections" as previously recited on lines 5-6.

In claim 2, on line 2, "the process" was not previously recited in claim 1 and should apparently be "a process". Appropriate correction is required.

***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claim 6 and claims 8-11 are rejected under 35 U.S.C. 102(e) as being anticipated by Tarahomi et al.

For claim 6, Tarahomi et al. (6,758,507) disclose a bumper system (Figure 10-11) comprising: a bumper beam 202 having a face surface; and an energy absorber engaging the face surface, the energy absorber having an elongated non-foam component 214 with at least three longitudinally-spaced enlarged sections and a plurality of foam sections 204 attached to the molded component between the enlarged sections; wherein the enlarged sections are each box-shaped and have a hollow interior space (at a central cylindrical tube of the matrix), and further wherein the enlarged sections each include a front wall (generally formed by the front surfaces of the cylindrical tubes of the matrix) with marginal material forming an opening therein.

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With regard to the limitation “injection-molded”, it should be noted that the patentability of a product does not depend on its method of production (MPEP 02113).

For claim 8, Tarahomi et al. (6,758,507) disclose a bumper system 200 (Figures 10-11) comprising: a bumper beam 202 having a face surface; and an energy absorber engaging the face surface, the energy absorber including at least one non-foam section 214 and at least one foam section 204, the at least one non-foam section having a rear side and a front side, the rear side of the non-foam section abutting the face surface of the bumper beam, the foam section covering at least a portion of the front side of the non-foam section.

With regard to claim 9, the foam section 204 covers the entire front side of the non-foam section.

With regard to claim 10, the foam section 204 covers at least a portion of a top and bottom side of the non-foam section.

With regard to claim 11, the foam section covers at least a portion of a top and bottom side of the bumper beam.

#### ***Allowable Subject Matter***

7. Claims 1-5 are allowed.
8. Claim 7 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

#### ***Conclusion***

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

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10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hilary Gutman whose telephone number is 703-305-0496.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenn Dayoan can be reached on 703-308-3102. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

11. **Any response to this action should be mailed to:**


Assistant Commissioner for Patents  
Washington, D.C. 20231

**or faxed to:**

(703) 872-9326, (for formal communications intended for entry)

**or:**

(703) 746-3515, (for informal or draft communications, please clearly label  
"PROPOSED" or "DRAFT").

  
Hilary Gutman

October 27, 2004